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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/576,326

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Saadettin Sel

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22902

7590

11/14/2011

CLARK & BRODY

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Alexandria, VA 22314

EXAMINER

COBURN, LESLIE ANN

ART UNIT

PAPER NUMBER

3774

MAIL DATE

DELIVERY MODE

11/14/2011

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/576,326	Applicant(s) SEL ET AL.	
	Examiner LESLIE COBURN	Art Unit 3774	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 01 September 2011.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ An election was made by the applicant in response to a restriction requirement set forth during the interview on ____; the restriction requirement and election have been incorporated into this action.
- 4) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 5) ☒ Claim(s) 1,3-14 and 18-22 is/are pending in the application.
- 5a) Of the above claim(s) 6-12, 18-19, 21 is/are withdrawn from consideration.
- 6) ☐ Claim(s) ____ is/are allowed.
- 7) ☒ Claim(s) 1,3-5,13,14,20 and 22 is/are rejected.
- 8) ☐ Claim(s) ____ is/are objected to.
- 9) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 10) ☐ The specification is objected to by the Examiner.
- 11) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 12) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. ____. |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>5/17/2011</u> . | 6) <input type="checkbox"/> Other: ____. |

DETAILED ACTION

Status of the Claims

1. The Claims 1, 3-14, and 18-22 are pending. Claims 6-12, 18-19, and 21 stand withdrawn.

Response to Arguments

2. Applicant's arguments, filed 9/1/2011, with respect to the 35 USC 112, 1st paragraph rejections have been fully considered and are persuasive. The 35 USC 112, 1st paragraph rejection of Claim 3 has been withdrawn.

3. Applicant's arguments, filed 9/1/2011, with respect to the 35 USC 112, 2nd paragraph rejections have been fully considered and are persuasive. The 35 USC 112, 2nd paragraph rejections of Claims 3 and 4 have been withdrawn.

4. Applicant's arguments, filed 9/1/2011, with respect to the prior art rejections have been fully considered and are persuasive. The prior art rejections of Claims 1, 3-5, 13-14, 20, and 22 have been withdrawn due to the Applicant's amendment of the claims.

5. Applicant's arguments filed on 9/1/2011 have been fully considered, but they are not persuasive as noted below.

With respect to the 35 USC 112, 2nd paragraph rejection of claim 13, the Applicant has attempted to render the claim clearer, however the amended language

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fails to overcome the claim indefiniteness as discussed below in the 35 USC 112, 2nd paragraph rejection section.

Information Disclosure Statement

6. The Examiner notes for the information disclosure statement filed 5/17/2011, no English translation was provided for JP 61-159964 and JP 62-079054; however, the Examiner notes these applications correspond to US 4,673,406 and US 4,731,078, respectively. Therefore, the Japanese art references have been considered.

Claim Objections

7. Claims 1, 3-5, 13-14, 20, and 22 are objected to because of the following informalities.

Claim 1 should read "A lens device", while its dependents should read "The lens device".

Claim 1 is objected to because of the following informalities: Claim 1, line 7 has the phrase "of one or more several Fresnel". It appears this phrase has redundant wording "one or more" and "several". The Examiner suggests removal of "several".

Claims 5 and 22 are objected to because of the following informalities: Claim 5 recites "equal to a chamber fluid". The Examiner suggest replacing "a" with "that of the" to make the language more grammatically correct.

Appropriate correction is required.

Claim Rejections - 35 USC § 112

8. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

9. Claims 1, 3-5, 13-14, 20, and 22 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Specifically, Claim 1, second to last line recites "their parallel linear running extending along...". It is unclear what exactly "parallel linear running" refers back to. The Examiner is interpreting this phrase to mean "their parallel linear running direction to each other extends along the entire...".

Claim 13 recites (1) "at sites without wedge-shaped recesses or convex lens parts or segments of a Fresnel lens" and (2) "but also at sites having wedge-shaped recesses or convex lens parts or segments of a Fresnel lens". The Examiner notes, these appear to be opposite concepts, such that the claim is claiming that at all sites. It is unclear what type of sites the Applicant intended to claim.

Withdrawn, Non-elected Claims

The Examiner notes that if the Applicant amends the application to overcome the 35 U.S.C. 112, 2nd paragraph rejections above, the independent claim appears to be generic and therefore if the amended claim 1 is generic, the withdrawn claims would be

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rejoined at allowance. The Examiner suggests amending the pending withdrawn claims in preparation for rejoinder of the claims.

Allowable Subject Matter

10. Claim 1 would be allowable if rewritten or amended to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action.

11. Claim 13 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

12. Claims 3-5, 14, 20, and 22 are objected to as being dependent upon a rejected base claim (see 35 USC 112 rejection above), but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not

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mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to LESLIE COBURN whose telephone number is (571)270-7044. The examiner can normally be reached on M-Th 8:30 AM - 6:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, please contact the examiner's supervisor, David Isabella, at 571-272-4749. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

If there are any inquiries that are not being addressed by first contacting the Examiner or the Supervisor, you may send an email inquiry to TC3700_Workgroup_D_Inquiries@uspto.gov.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a

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USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/L. C./
Examiner, Art Unit 3774
10/25/2011

/DAVID ISABELLA/
Supervisory Patent Examiner, Art
Unit 3774